REMARKS

Introduction

Upon entry of the foregoing response, claims 1-4, 7, 8, 10, 13-16, 19-23, 25-31, 33-39 and 41 - 46 are pending in the application. Claims 1, 7, 13, 19, 27 and 35 have been amended. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all pending claims are requested.

Rejection under 35 USC §112

Independent claims 1, 13 and 19 have been rejected under 35 U.S.C. 112, 1st paragraph, as allegedly failing to comply with the written description requirement regarding the previously recited feature common to these claims of "one option forces the PDA to display some, but not all, advertising banners that were originally part of the single web page's content." Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Independent claims 1, 13 and 19 have been amended, and each claim now includes a recited feature such that for one option the PDA displays simultaneously more than one, but less than all, advertising banners that were originally part of the single web page's content. Support for this currently recited feature is found in the specification, for example, at page 7, lns. 23-28.

Therefore, Applicants submit that this currently recited feature of claims 1, 13 and 19 is indeed supported in the specification and is sufficient under 35 U.S.C. 112, 1st paragraph to "reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Thus, for at least these reasons, Applicants request reconsideration and withdrawal of the rejection of these claims.

Rejection under 35 USC §103

Claims 1-2, 7-8, 13-14, 19-20, 22, 25-28, 30, 33-36, 38 and 41-42 have been rejected under U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/010735 to Shamoon et al. (hereinafter "Shamoon ") and further in view of in view of U.S. Patent No. 6,593,944 to Nicolas et al. (hereinafter "Nicolas"). Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Claim1

Independent claim 1 has been amended to more clearly define the invention. Support for this amendment is found in the specification, for example, at page 7, lns. 23-28.

The Examiner relies on a combination of Shamoon and Nicolas to allegedly meet the method of independent claim 1. For at least the following reasons, this suggested combination does not teach or suggest all of the features of the method of claim 1.

Shamoon is directed to a method an apparatus to protect streamed media content. (See, the Abstract and Par. [0005] of Shamoon) On page 4 of the Office Action, the Examiner admits that Shamoon does not teach or disclose the feature of:

"displaying, on the PDA, multiple options, from a billing server to a single user of the PDA, for viewing the single web page's content for a price, wherein each option has a different price based on how many advertising banners are excluded from the single web page's content, and wherein for one option the PDA displays simultaneously more than one, but less than all, advertising banners that were originally part of the single web page's content," as currently recited in claim 1.

Nicolas is directed to a method and apparatus for viewing a web page on a small-sized electronic display device. (See, the Abstract and col. 2, lns. 34-55 of Nicolas) Nicolas does not teach, suggest or disclose that a user of a PDA device is able to view multiple options on a display of the PDA device, sent from a billing service, where each option has a different price based on the number of advertising banners excluded from a web page's content, and where for one option the PDA displays simultaneously more than one but less than all of the advertising banners on the web page. In fact, the portions of Nicolas cited by the Examiner (col. 11, lns. 28-30; col. 2, lns. 43-47; and Fig. 9B (element 731A of Nicolas)) simply describe that a multiple frame representation of a web page is generated for display on a display 105 of a PDA 100. Each displayed frame in Nicolas is numbered and is a geometrically shaped "frame identifier"

which may include a brief description of the frame, where the frame represents content of only a portion of the main web page. (See, for example, col. 2, ln. 63 – col. 3, ln. 2; col. 13, lns. 20-54; and Figs. 9A, 9B of <u>Nicolas</u>)

However, there is no description in <u>Nicolas</u> that any frame identifier which is displayed and which may be selected by a user therein is an <u>advertising banner</u>. Furthermore, once several frame identifiers are displayed on the display 105 of the PDA 100 of <u>Nicolas</u>, the user may select the number of (by function key 75, mouse, or stylus) <u>one frame identifier, and only one frame identifier</u> of the web page to be displayed. (See, for example, col. 11, lns. 27-33; col. 13, lns. 20-54; and Figs. 9A, 9B of <u>Nicolas</u>) There is no description in <u>Nicolas</u> of a user being able to select for <u>simultaneous</u> display <u>more than one frame identifier</u> of the web page.

Therefore, for at least these reasons, neither <u>Shamoon</u> nor <u>Nicolas</u>, separately, or in combination, teaches or suggests, among other things, the method of receiving a web page content from a network content server of claim 1, which includes:

"<u>displaying</u>, on the PDA, <u>multiple options</u>, from a billing server to a single user of the PDA, for viewing the single web page's content for a price, wherein each option has a different price based on how many advertising banners are excluded from the single web page's content, and <u>wherein for one option the PDA displays simultaneously more than one, but less than all, advertising banners that were originally part of the single web page's content</u>," as currently recited in claim 1. (Emphasis added)

Thus, independent claim 1 is patentably distinguishable over <u>Shamoon</u> and <u>Nicolas</u>, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 1 is earnestly solicited.

<u>Claim 7</u>

Independent claim 7 has been amended to more clearly define the invention. Support for this amendment is found in the specification, for example, at page 8, lns. 11-20.

The general description of <u>Shamoon</u> and of <u>Nicolas</u> is given above, in regard to amended independent claim 1. Furthermore, on page 5 of the Office Action, the Examiner relies upon Par. 287 of <u>Shamoon</u> to allegedly describe means to display on a user device multiple options from a billing server where a user may choose an option having a price based on <u>time sensitivity</u> of data in a web page's content. Respectfully, applicants point out that the subject matter

described in Par. 287 of <u>Shamoon</u> does not achieve the recited feature of independent claim 7 which deals with "time sensitivity" of data as defined in claim 7. Paragraph 287 of <u>Shamoon</u> describes types of information which may be stored in CMPS Memory 2405 of Figure 24 of <u>Shamoon</u> and includes an example of a pre-authorized use, based on pre-payment, of 12 hours of programming, which may be provided as streamed media to a user. (See, pars. [0284]-[00287] of <u>Shamoon</u>])

In contrast, the relevant feature of claim 7 is for multiple options for a user for viewing a web page on a PDA, where <u>each option has a different price based</u> on a <u>time sensitivity of data</u> in at least a portion of the single web page's content <u>wherein the time sensitivity indicates the age of the data</u>. The number of hours of pre-paid programming as described in <u>Shamoon</u> (12 hours) is irrelevant to this feature, since the pre-paid programming is only for a certain length of time (12 hours), and is not described in <u>Shamoon</u> as being "time sensitive" data where time sensitivity is related to the <u>age</u> (not the length in time) of the data, as currently defined in claim 7.

Therefore at least the reasons given above, neither <u>Shamoon</u> nor <u>Nicolas</u>, separately, or in combination, teaches or suggests, among other things, a system for receiving a web page content from a network content server, including:

"means for displaying on the PDA <u>multiple options</u>, from a billing server to a single user of the PDA, for viewing the single web page's content for a price, <u>wherein each option has a different price based</u> on a <u>time sensitivity of data </u>in at least a portion of the single web page's content <u>wherein the time sensitivity indicates the age of the data</u>," as currently recited in claim 7. (Emphasis added)

Thus, independent claim 7 is patentably distinguishable over <u>Shamoon</u> and <u>Nicolas</u>, separately, or in combination, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 7 is earnestly solicited.

<u>Claim 13</u>

Independent claim 13 has been amended to more clearly define the invention.

For at least the reasons given above in regard to independent claim 1, neither <u>Shamoon</u> nor <u>Nicolas</u>, separately, or in combination, teaches or suggests, among other things, a computer

program product of claim 13, which is executed on a tangible computer-readable medium, for receiving, on a Personal Digital Device (PDA) having a limited sized display, a web page content from a network content server, where the computer program product includes program code for:

"on the PDA, <u>multiple options</u>, from a billing server to a single user of the PDA, <u>for viewing</u> the single web page's content for a price, wherein each option has a different price based on how many advertising banners are excluded from the single web page's content, and <u>wherein for one option the PDA displays simultaneously more than one, but less than all, advertising banners that were originally part of the single web page's content</u>," as currently recited in claim 13.

Furthermore, the Examiner has not provided a factual basis in <u>Shamoon</u> or <u>Nicolas</u>, separately, or in combination, to meet the "<u>a computer program product</u>, which is <u>executed on a tangible computer-readable medium</u>" to which independent claim 13 is directed. (Emphasis added)

Therefore, for at least these reasons, neither <u>Shamoon</u> nor <u>Nicolas</u>, separately, or in combination, teaches or suggests the computer program product of amended claim 13. Thus, independent claim 13 is patentably distinguishable over <u>Shamoon</u> and <u>Nicolas</u>, separately, or in combination, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 13 is earnestly solicited.

<u>Claim 19</u>

Independent claim 19 has been amended to more clearly define the invention.

For at least the reasons given above in regard to independent claim 1, neither <u>Shamoon</u> nor <u>Nicolas</u>, separately, or in combination, teaches or suggests, among other things, a method for transmitting web page content, including:

"<u>sending</u> to the PDA, from the billing server, <u>a display of multiple options </u>for a single user to view the web page content for a price, wherein each option has a different price that is based on how many advertising banners are excluded from the single web page's content, and <u>wherein for one option, from the multiple options, the PDA displays simultaneously more than</u>

one, but less than all, advertising banners that were originally part of the single web page's content," as currently recited in claim 19. (Emphasis added)

Thus, independent claim 19 is patentably distinguishable over Shamoon and Nicolas, separately, or in combination, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 19 is earnestly solicited.

Claim 27

For at least the reasons given above in regard to independent claim 1, neither Kessenich nor Yang, separately, or in combination, teaches or suggests, among other things, a system for transmitting web page content, including:

"means for sending, from the billing server to a single user of the PDA, a display of multiple options for viewing the web page content for a price, wherein each option has a different price that is based on how many advertising banners are excluded from the single web page's content, and wherein for one option, from the multiple options, the PDA displays simultaneously more than one, but less than all, advertising banners that were originally part of the single web page's content," as currently recited in independent claim 27.

Thus, independent claim 27 is patentably distinguishable over Shamoon and Nicolas, separately, or in combination, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 27 is earnestly solicited.

Claim 35

Independent claim 35 has been amended to more clearly define the invention.

For at least the reasons given above in regard to independent claims 1 and 13, neither Shamoon nor Nicolas, separately, or in combination, teaches or suggests, among other things, a computer program product which is executed on a tangible computer-readable medium, for transmitting web page content, where the computer program product includes program code for:

"sending, from the billing server to a single user of the PDA, a display of multiple options for viewing the web page content for a price, wherein each option has a different price that is based on how many advertising banners are excluded from the single web page's content, and wherein for one option, from the multiple options, the PDA displays simultaneously more than

one, but less than all, advertising banners that were originally part of the single web page's content," as currently recited in claim 35.

Furthermore, the Examiner has not provided a factual basis in Shamoon or Nicolas, separately, or in combination, to meet the "a computer program product, which is executed on a tangible computer-readable medium" to which independent claim 35 is directed. (Emphasis added)

Thus, independent claim 35 is patentably distinguishable over Shamoon and Nicolas, separately, or in combination, and accordingly it is respectfully requested that the rejection of this claim be withdrawn, and allowance of claim 35 is earnestly solicited.

Claims 2, 8, 14, 20, 22, 25, 26, 28, 30, 33, 34, 36, 38, 41 and 42

Regarding dependent claims 2, 8, 14, 20, 22, 25, 26, 28, 30, 33, 34, 36, 38, 41 and 42, since these claims depend from amended independent claim 1, 7, 13, 19, 27 or 35, they include all of the features of the respective amended independent claim from which they depend, as described above. For at least the reasons given above regarding independent claims 1, 7, 13, 19, 27 and 35, there is no teaching or suggestion in Shamoon or Nicolas, separately or in combination, of all of the features of these dependent claims.

Therefore, for at least these reasons, dependent claims 2, 8, 14, 20, 22, 25, 26, 28, 30, 33, 34, 36, 38, 41 and 42 are patentably distinguishable over Shamoon and Nicolas. Accordingly it is respectfully requested that the rejection of these claims be withdrawn, and allowance of claims 2, 8, 14, 20, 22, 25, 26, 28, 30, 33, 34, 36, 38, 41 and 42 is earnestly solicited.

Claims 3-4, 10, 15-16, 21, 29 and 37 have been rejected under 35 U.S.C.103(a) as being unpatentable over Shamoon, Nicolas and further in view of U.S. Patent Application Publication 2003/0204447 to Dalzell et al. (hereinafter "Dalzell"). Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Regarding dependent claims 3-4, 10, 15-16, 21, 29 and 37, since these claims depend from amended independent claim 1, 7, 13, 19, 27 or 35, they include all of the features of the independent claim from which they respectively depend, as described above. For at least the

reasons given above regarding independent claims 1, 7, 13, 19, 27 and 35, there is no disclosure, teaching or suggestion in Shamoon and Nicolas, separately or in combination, of all of the features of these dependent claims. Furthermore, the portions of Dalzell cited by the Examiner do not overcome the deficiencies of Shamoon and Nicolas, nor was Dalzell cited by the Examiner for that purpose.

Therefore, for at least the reasons given above, claims 3-4, 10, 15-16, 21, 29 and 37 are patentably distinguishable over Shamoon, Nicolas and Dalzell, separately or in combination. Accordingly it is respectfully requested that the rejection of these claims be withdrawn, and allowance of claims 3-4, 10, 15-16, 21, 29 and 37 is earnestly solicited.

Claims 23, 31 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon, Nicolas and further in view of U.S. Patent No. 6,701,350 to Mitchell (hereinafter "Mitchell"). Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Regarding dependent claims 23, 31 and 39, since these claims depend from amended independent claim 19, 27 or 35, they include all of the features of the independent claim from which they respectfully depend, as described above. For at least the reasons given above regarding independent claims 19, 27 and 35, there is no disclosure, teaching or suggestion in Shamoon and Nicolas, separately or in combination, of all of the features of these dependent claims. Furthermore, the portions of Mitchell cited by the Examiner do not overcome the deficiencies of Shamoon and Nicolas, nor was Mitchell cited by the Examiner for that purpose.

Therefore, for at least the reasons given above, claims 23, 31 and 39 are patentably distinguishable over Shamoon, Nicolas and Mitchell, separately or in combination. Accordingly it is respectfully requested that the rejection of these claims be withdrawn, and allowance of claims 23, 31 and 39 is earnestly solicited.

Claims 43 and 44, have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon, Nicolas and further in view of U.S. Patent No. 6,343,738 to Ogilvie (hereinafter "Ogilvie"). Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Regarding dependent claims 43 and 44, since these claims depend from amended

independent claim 1, they include all of the features of independent claim 1, as described above. For at least the reasons given above regarding independent claim 1, there is no disclosure, teaching or suggestion in <u>Shamoon</u> and <u>Nicolas</u>, separately or in combination, of all of the features of these dependent claims. Furthermore, the portions of <u>Ogilvie</u> cited by the Examiner do not overcome the deficiencies of <u>Shamoon</u> and <u>Nicolas</u>, nor was <u>Ogilvie</u> cited by the Examiner for that purpose.

Therefore, for at least the reasons given above, claims 43 and 44 are patentably distinguishable over <u>Shamoon</u>, <u>Nicolas</u> and <u>Ogilvie</u>, separately or in combination. Accordingly it is respectfully requested that the rejection of these claims be withdrawn, and allowance of claims 43 and 44 is earnestly solicited.

Claims 45 and 46 have been rejected under U.S.C. 103(a) as being unpatentable over <u>Shamoon</u>, <u>Nicolas</u> and further in view of Zondervan et al. (hereinafter "<u>Zondervan</u>"). Applicants respectfully request reconsideration and withdrawal of this rejection, for at least the following reasons.

Regarding dependent claims 45 and 46, since these claims depend from amended independent claim 19, they include all of the features of independent claim 19, as described above. For at least the reasons given above regarding independent claim 19, there is no disclosure, teaching or suggestion in <u>Shamoon</u> and <u>Nicolas</u>, separately or in combination, of all of the features of these dependent claims. Furthermore, the portions of <u>Zondervan</u> cited by the Examiner do not overcome the deficiencies of <u>Shamoon</u> and <u>Nicolas</u>, nor was <u>Zondervan</u> cited by the Examiner for that purpose.

Therefore, for at least the reasons given above, claims 45 and 46 are patentably distinguishable over <u>Shamoon</u>, <u>Nicolas</u> and <u>Zondervan</u>, separately or in combination. Accordingly it is respectfully requested that the rejection of these claims be withdrawn, and allowance of claims 45 and 46 is earnestly solicited.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time, as well as any other fee necessary to further the prosecution of this application, to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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